# Exhibit 22

**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF MISSISSIPPI**
**JACKSON DIVISION**

| | |
|---|---|
| JACKSON WOMEN'S HEALTH ORGANIZATION, on behalf of itself and its patients, | DECLARATION |
| | Case No. 3:18-cv-171-CWR-FKB |
| SACHEEN CARR-ELLIS, on behalf of herself and her patients, | |
| Plaintiffs, | |
| v. | |
| THOMAS E. DOBBS, M.D., M.P.H., in his official capacity as State Health Officer of the Mississippi Department of Health, et al., | |
| Defendants. | |

Pursuant to 28 U.S.C. § 1746, I, YAKOV ZYLBERSHLAG, being sworn, hereby declare the following:

1.     I am the E-Discovery Services Director at Paul, Weiss, Rifkind, Wharton & Garrison LLP.  I supervise a department whose responsibilities routinely include the searching and collection of electronically stored information (ESI) for purposes of litigation and discovery.  I have worked in this field for 20 years.

2.     I have reviewed the declaration of Joe Sullivan, which I understand was submitted to the Court in connection with an opposition to Plaintiffs' motion to compel certain Mississippi State Legislators to comply with Plaintiffs' Subpoenas.

3.     In his declaration, Mr. Sullivan indicates that the Mississippi Legislature used Microsoft Exchange email software until some point in 2013, and thereafter switched to Microsoft Office 365. (Dkt. 222-14 ¶8).

4.      I understand that Plaintiffs have requested that the Legislators run the 37 search terms attached as Exhibit 1. Mr. Sullivan states that "IT staff will be required to run each of the 37 search terms on each of the separate email accounts" of 77 legislators (Dkt. 222-14 ¶¶ 8, 11). He therefore calculates that his IT team would be required to run 2,849 searches (33 * 77) (Dkt. 222-14 ¶ 11). Mr. Sullivan estimates that each search would take five minutes perform a total of 237 hours (2849 * 5 / 60). (Dkt. 222-14 ¶¶ 8, 11).

5.      I have reviewed the 37 search terms that Plaintiffs have requested that the Legislators run. These search terms consist of 57 keywords and 1,055 characters. In my experience, the search terms could be combined into a single search (or else a small number of searches) in Exchange and Office 365. See Ex. 2 (In Exchange, "[t]he maximum number of keywords that can be specified in a single In-Place eDiscovery search query" is 500 keywords[1]); Ex. 3 (In Office 365, 10,000 is the "[t]he maximum number of characters for the search query (including operators and conditions [such as "maternal NEAR(2) morality"] for a search.).

6.      In my experience, bulk collection and searching of ESI are routine parts of discovery, and such bulk collection and searching are supported by both Exchange and Office 365. In my experience, both Exchange and Office 365 permit the email accounts of multiple custodians to be searched simultaneously. Ex. 2 (In Exchange, 10,000 is the maximum number of mailboxes that can be searched at once); Ex. 3 (In Office 365, the user "can search an unlimited number of mailboxes in a single
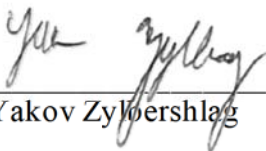
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[1] Connectors such as "AND" or "OR" are not counted against the total number of keywords in Exchange. "For example, the keyword query cat AND dog AND bird AND fish consists of four keywords." Ex. 2.

search," and download the exported search results from up to 100,000 mailboxes at a time).

7. I also have experience overseeing searches of non-email ESI. In my experience, it is routine in discovery to provide folders that on visual inspection, may contain relevant information, or to provide a set of documents that are a result of keyword hits. Aside from visual inspection, it is also common in my experience to collect entire folders and then apply search terms to them using available E-Discovery tools.

8. In my experience, email and document collections from Microsoft email systems and from file servers are a routine part of discovery, parties or their outside e-discovery vendors routinely run discovery collections and searches, and parties routinely provide temporary, confidential, secure access to vendors to complete such work.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: March 29, 2021

_____
Yakov Zylbershlag

# Exhibit 1

**Search Parameters for Electronic Documents**

**I.**  **Time period:** From January 21, 2013 to April 8, 2013.

**II.**  **Search Terms**

1.  Abort*

2.  "pro-life" or "pro life"

3.  "Jackson Women's Health Organization" OR JWHO

4.  "Planned Parenthood" or "PPFA"

5.  "Shannon Brewer" or "Brewer"

6.  "Willie Parker" OR "Dr. Parker"

7.  "Betty Thompson"

8.  "Diane Derzis" or "Derzis"

9.  "S.B. 2795" or "2795"

10.  Telemed* OR telehealth

11.  "Women's Health Defense Act"

12.  Fetus OR fetal OR unborn

13.  infant /3 health

14.  maternal /2 mortality

15.  "chemical abortion" OR "abortion inducing drug"

16.  mifepristone

17.  mifeprex

18.  misoprostol OR Cytotec

19.  "@nrlc.org"

20.  "@aul.org"

21.  "@msrtl.org"

22.    "@adflegal.org"

23.    "@operationrescue.org"

24.    "@prolifemississippi.org"

25.    "@jacksonforlife.org"

26.    "@msdh.ms.gov"

27.    "@afa.net"

28.    "National Right to Life" or "right to life"

29.    "Americans United for Life" OR "AUL"

30.    "Mississippi Right to Life"

31.    "Alliance Defending Freedom" OR "ADF"

32.    "Operation Rescue"

33.    "Women Exploited by Abortion"

34.    "Pro-Life Mississippi"

35.    "Jackson Right to Life"

36.    "American Family Association" or "AFA"

37.    "Terri Herring" or "Bryan Fischer" or "Fischer"

# Exhibit 2

# Search limits for In-Place eDiscovery in Exchange Online

06/30/2020 • 8 minutes to read • 👤👤👤👤👤  +2

**In this article**

Source mailbox limits

Exchange admin center limits

Other limits

Various types of limits are applied to In-Place eDiscovery searches in Exchange Online. These limits help to maintain the health and quality of services provided to Exchange Online organizations. In most cases, you can't modify these limits, but you should be aware of them so that you can take these limits into consideration when planning, running, and troubleshooting eDiscovery searches.

## Source mailbox limits

In-Place eDiscovery has limits on the number of source mailboxes that can be searched in a single search. The following table describes these limits and suggests alternative ways to work around them. These limits apply to eDiscovery searches created by using the Exchange admin center (EAC) or Remote Windows PowerShell.

| Description of limit | Limit | More information and suggested workarounds |
|---|---|---|
| The maximum number of mailboxes that can be searched in a single In-Place eDiscovery search. | 10,000 | If you have more than 10,000 mailboxes in your organization, you won't be able to use the **Search all mailboxes** option on the **Mailboxes** page in the EAC. To search large numbers of mailboxes (up to 10,000 mailboxes total), you can organize users into distribution groups or dynamic distribution groups and then specify a group on the **Mailboxes** page in the EAC. [1] |

| Description of limit | Limit | More information and suggested workarounds |
|---|---|---|
| The maximum number of mailboxes that can be searched in a single In-Place eDiscovery search that still allows you to view keyword statistics. | 100 | After you run an eDiscovery search estimate, you can view keyword statistics. These statistics show details about the number of items returned for each keyword used in the search query. If more than 100 source mailboxes are included in the search, an error will be returned if you try to view keyword statistics.<br>To view keyword statistics, reduce the number of source mailboxes to 100 or fewer, and then rerun the search estimate. When you're satisfied with the search query, you can add additional source mailboxes to the search and then copy or export the search results. |
| The maximum number of mailboxes that can be placed on In-Place Hold in a single In-Place eDiscovery search. | 10,000 | You can place up to 10,000 mailboxes on In-Place Hold by using a single eDiscovery search. However, if you select the **Search all mailboxes** option on the **Sources** page, you won't be able to enable an In-Place Hold for that search. To place a large number of mailboxes on hold using a single In-Place Hold, use distribution groups or dynamic distribution groups to group mailboxes together, and then specify one of those groups on the **Mailboxes** page in the EAC. [1]<br>A better option for placing a hold on a large number of mailboxes is to use a Litigation Hold. Using lots of single In-Place eDiscovery searches to place mailboxes on hold isn't recommended. |

> ⓘ **Note**
>
> [1] Group membership is calculated only when the search or a hold is created. If a user gets added to the group after the search is created, the user's mailbox won't be added automatically as a source mailbox. You'll have to edit the search and add the mailbox. The same thing applies when a user is removed from a group that is used to create a search or hold. You'll have to edit the search to remove the mailbox.

# Exchange admin center limits

There are also limits when you use the EAC to create and run In-Place eDiscovery searches. These limits are primarily related to the number of source mailboxes that are displayed in

the EAC when you select source mailboxes to search. The following table describes these limits and suggests alternative ways to work around them.

| Description of limit | Limit | More information and suggested workarounds |
|---|---|---|
| The maximum number of mailboxes that are displayed in the mailbox picker for selecting source mailboxes when creating a new In-Place eDiscovery or In-Place Hold search. | 500 | Only 500 mailboxes, distribution groups, and dynamic distribution groups are listed in the mailbox picker to select source mailboxes from when you create a new search. A message is displayed saying that there are more recipients than the ones displayed. Here are some workarounds for this limit:<br>Use the search box to find a mailbox that isn't listed in the mailbox picker.<br>Use distribution groups or dynamic distribution groups to group large numbers of mailboxes together. Then pick the group from the mailbox list or search for it using the search box. Groups are expanded into source mailboxes when you create an eDiscovery search.<br>Select **Search all mailboxes** on the **Mailbox** page if your organization has less than 10,000 mailboxes and you're not going to place mailboxes on hold.<br>Use distribution groups or dynamic distribution groups to group users if you want to place more than 500 mailboxes on In-Place Hold. |

| Description of limit | Limit | More information and suggested workarounds |
|---|---|---|
| The maximum number of mailboxes that are displayed when editing an In-Place eDiscovery or In-Place Hold search. | 3,000 | Up to 3,000 mailboxes are displayed on the **Sources** page in the EAC when you edit an In-Place eDiscovery search or hold. To add a mailbox to the list of sources, you can use the search box to find a mailbox that isn't listed in the mailbox picker (a maximum of 500 recipients are listed in the mailbox picker). To remove a mailbox that's listed, you can select it and then click **Remove**. To remove a mailbox that isn't listed, you have to use Exchange Online PowerShell to remove it. For example, the following commands are run to remove the user Ann Beebe from an In-Place Hold named ContosoHold.<br><br>`$SourceMailboxes = Get-MailboxSearch "ContosoHold"`<br>`$SourceMailboxes.Sources.Remove("/o=contoso/ou=Exchange`<br>`Administrative Group`<br>`(FYDIBOHF23SPDLT)/cn=Recipients/cn=28e3edb87e29422998ec8f3a946dd1e5-`<br>`annb")`<br>`Set-MailboxSearch "ContosoHold" -SourceMailboxes`<br>`$SourceMailboxes.Sources`<br><br>The first command creates a variable that contains the properties of ContosoHold. The second command removes the user Ann Beebe (by specifying the value of the **LegacyExchangeDN** property) from the list of source mailboxes. The third command edits ContosoHold with the updated list of source mailboxes.<br><br>To add a user to an In-Place Hold, use the following syntax in the second command in the previous example.<br><br>`$SourceMailboxes.Sources.Add("<LegacyExchangeDN of the user>")`<br><br>**Note**: The **Sources** property of an In-Place eDiscovery search or an In-Place Hold identifies the source mailboxes by their **LegacyExchangeDN** property. Because this property uniquely identifies a user mailbox, using the **Sources** property helps prevent adding or removing the wrong mailbox. This also helps to avoid issues if two mailboxes have the same alias or primary SMTP address. |

# Other limits

The following table describes other limits that affect In-Place eDiscovery searches.

| Description of limit | Limit | More information |
|---|---|---|

| Description of limit | Limit | More information |
|---|---|---|
| The maximum number of In-Place eDiscovery searches that can run at the same time in your organization. | 2 | If an eDiscovery search is started while two previous searches are still running, the third search won't be queued and will instead fail. You have to wait until one of the running searches is completed before you can successfully start a new search. Also, estimate-only and copy searches are both considered In-Place eDiscovery searches. So, if you are running an estimate-only search and a copy search at the same time, you can't start another search until one of the running searches is completed. However, you can preview or export the search results from another search while two searches are running. |
| The maximum number of keywords that can be specified in a single In-Place eDiscovery search query. | 500 | Boolean operators, such as **AND** and **OR** aren't counted against the total number of keywords. For example, the keyword query `cat AND dog AND bird AND fish` consists of four keywords. |
| The maximum number of items displayed on the search preview page when previewing In-Place eDiscovery search results. | 200 | When you preview search results, the mailboxes that were searched are listed in the right pane on the eDiscovery search preview page. For each mailbox, the number of items returned and the total size of these items are also displayed. Items returned by the search are listed in the right pane. Up to 200 items are displayed on the preview page. **Note**: Items from each mailbox can't be displayed in the right pane by clicking a mailbox in the left pane. To view the items returned from a specific mailbox, you can copy the search results and view the items in the discovery mailbox. |
| The maximum number of keywords that can be specified in all In-Place Holds placed on a single mailbox. | 500 | If multiple In-Place Holds are placed on a user's mailbox, the maximum number of keywords in all search queries is 500. That's because Exchange Online combines all the keyword search parameters from of all In-Place Holds by using the **OR** operator. If there are more than 500 keywords in the hold queries, then all content in the mailbox is placed on hold (and not just that content that matches the search criteria of any query-based hold). All content is held until the total number of keywords in all In-Place Holds is reduced to 500 or less. Holding all mailbox content is similar in functionality to a Litigation Hold. |

| Description of limit | Limit | More information |
|---|---|---|
| Maximum number of variants returned when using a prefix wildcard to search for an exact phrase in a keyword search query or when using a prefix wildcard and the **NEAR** operator. | 10,000 | For non-phrase queries we use a special prefix index. This only tells us that a word occurs in a document, not where in the document it occurs. To do a phrase query we need to compare the position within the document for the words in the phrase. This means that we cannot use the prefix index for phrase queries. In this case we are internally expanding the query with all possible words that the prefix expands to (i.e. "time*" can expand to "time OR timer OR times OR timex OR timeboxed OR ..."). 10,000 is the maximum number of variants the word can expand to, not the number of documents matching the query. For non-phrase terms there are no upper limit. |

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# Exhibit 3

# Limits for Content search

03/17/2021 • 10 minutes to read •   +2

## In this article

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[Search times](#)

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Various limits are applied to the Content search tool in the Microsoft 365 compliance center. This includes searches run on the **Content search** page and searches that are associated with an eDiscovery case on the **Core eDiscovery** page. These limits help to maintain the health and quality of services provided to organizations. There are also limits related to the indexing of email messages in Exchange Online for search. You can't modify the limits for Content Search or email indexing, but you should be aware of them so that you can take these limits into consideration when planning, running, and troubleshooting content searches.

# Search limits

The following table lists the search limits when using the content search tool in the Microsoft 365 compliance center and for searches that are associated with a Core eDiscovery case.

| Description of limit | Limit |
|---|---|
| The maximum number of mailboxes or sites that can be searched in a single search | No limit [1] |
| The maximum number of searches that can run at the same time in your organization. | 30 |
| The maximum number of organization-wide searches that can be run at the same time. | 3 |

| Description of limit | Limit |
|---|---|
| The maximum number of searches that a single user can start at the same time. This limit is most likely hit when the user tries to start multiple searches by using the **Get-ComplianceSearch \| Start-ComplianceSearch** command in Security & Compliance Center PowerShell. | 10 |
| The maximum number of items per user mailbox that are displayed on the preview page when previewing Content Search results. | 100 |
| The maximum number of items found in all user mailboxes that are displayed on the preview page when previewing search results. The newest items are displayed. | 1,000 |
| The maximum number of user mailboxes that can be previewed for search results. If there are more than 1000 mailboxes that contain content that matches the search query, only the top 1000 mailboxes with the most search results will be available for preview. | 1,000 |
| The maximum number of items found in SharePoint and OneDrive for Business sites that are displayed on the preview page when previewing search results. The newest items are displayed. | 200 |
| The maximum number of sites (in SharePoint and OneDrive for Business) that can be previewed for search results. If there are more than 200 total sites that contain content that matches the search query, only the top 200 sites with the most search results will be available for preview. | 200 |
| The maximum number of items per public folder mailbox that are displayed on the preview page when previewing content search results. | 100 |
| The maximum number of items found in all public folder mailboxes that are displayed on the preview page when previewing content search results. | 200 |
| The maximum number of public mailboxes that can be previewed for search results. If there are more than 500 public folder mailboxes that contain content that matches the search query, only the top 500 public folder mailboxes with the most search results will be available for preview. | 500 |

| Description of limit | Limit |
|---|---|
| The maximum number of characters for the search query (including operators and conditions) for a search.<br><br>Note: This limit takes effect after the query is expanded, which means the query will get expanded against each of the keywords. For example, if a search query has 15 keywords and additional parameters and conditions, the query gets expanded 15 times, each with the other parameters and conditions in the query. So even though the number of characters in search query may be below the limit, it's the expanded query that may contribute to exceeding this limit. | Mailboxes: 10,000<br>Sites: 4,000 when searching all sites or 2,000 when searching up to 20 sites [2] |
| Maximum number of variants returned when using a prefix wildcard to search for an exact phrase in a search query or when using a prefix wildcard and the **NEAR** Boolean operator. | 10,000 [3] |
| The minimum number of alpha characters for prefix wildcards; for example, `time*`, `one*`, or `set*`. | 3 |
| The maximum number of mailboxes in a search that you can delete items in by doing a "search and purge" action (by using the **New-ComplianceSearchAction -Purge** command). If the search that you're doing a purge action for has more source mailboxes than this limit, the purge action will fail. For more information about search and purge, see Search for and delete email messages in your organization. | 50,000 |
| The maximum number of locations in a search that you can export items from. If the search that you're exporting has more locations than this limit, the export will fail. For more information, see Export content search results. | 100,000 |

> ⊙ **Note**
>
> [1] Although you can search an unlimited number of mailboxes in a single search, you can only download the exported search results from a maximum of 100,000 mailboxes using the eDiscovery Export Tool in the Microsoft 365 compliance center. To download the search results from more than 100,000 mailboxes, you have to use Security & Compliance Center PowerShell. For more information and a sample script, see **Exporting results from more than 100,000 mailboxes.**

[2] When searching SharePoint and OneDrive for Business locations, the characters in the URLs of the sites being searched are counted against this limit.

[3] For non-phrase queries (a keyword value that doesn't use double quotation marks) we use a special prefix index. This tells us that a word occurs in a document, but not where it occurs in the document. To do a phrase query (a keyword value with double quotation marks), we need to compare the position within the document for the words in the phrase. This means that we can't use the prefix index for phrase queries. In this case, we internally expand the query with all possible words that the prefix expands to; for example, `"time*"` can expand to `"time OR timer OR times OR timex OR timeboxed OR …"`. 10,000 is the maximum number of variants the word can expand to, not the number of documents matching the query. There is no upper limit for non-phrase terms.

# Search times

Microsoft collects performance information for searches run by all organizations. While the complexity of the search query can impact search times, the biggest factor that affects how long searches take is the number of mailboxes searched. Although Microsoft doesn't provide a Service Level Agreement for search times, the following table lists average search times for collection searches based on the number of mailboxes included in the search.

| Number of mailboxes | Average search time |
| --- | --- |
| 100 | 30 seconds |
| 1,000 | 45 seconds |
| 10,000 | 4 minutes |
| 25,000 | 10 minutes |
| 50,000 | 20 minutes |
| 100,000 | 25 minutes |

# Export limits

The following table lists the limits when exporting the results of a content search. These limits also apply when you export content from a Core eDiscovery case.

| Description of limit | Limit |
|---|---|
| Maximum amount of exportable data from a single search<br><br>**Note:** If the search results are larger than 2 TB, consider using date ranges or other types of filters to decrease the total size of the search results. | 2 TB |
| Maximum an organization can export in a single day<br><br>**Note:** This limit is reset daily at 12:00AM UTC | 2 TB |
| Maximum concurrent exports that can be ran at same time within your organization<br><br>**Note:** Running a **Report Only** export counts against total concurrent exports for your organization. If three users are performing 3 exports each, then only one other export can be performed. Whether it is exporting a report or search results, no other exports can be performed until one has completed. | 10 |
| Maximum exports a single user can run at any one time | 3 |
| Maximum number of mailboxes for search results that can be downloaded using the eDiscovery Export Tool<br><br>**Note:** To download the search results from more than 100,000 mailboxes, you have to use Security & Compliance Center PowerShell. For instructions, see Exporting results from more than 100,000 mailboxes. | 100,000 |

| Description of limit | Limit |
|---|---|
| Maximum size of PST file that can be exported | 10 GB |

**Note:** If the search results from a user's mailbox are larger than 10 GB, the search results for the mailbox will be exported in two (or more) separate PST files. If you choose to export all search results in a single PST file, the PST file will be spilt into additional PST files if the total size of the search results is larger than 10 GB. If you want to change this default size, you can edit the Windows Registry on the computer that you use to export the search results. See Change the size of PST files when exporting eDiscovery search results. The search results from a specific mailbox won't be divided among multiple PST files unless the content from a single mailbox is more than 10 GB. If you chose to export the search results in one PST file for that contains all messages in a single folder and the search results are larger than 10 GB, the items are still organized in chronological order, so they will be spilt into additional PST files based on the sent date.

| Rate at which search results from mailboxes and sites are uploaded to a Microsoft-provided Azure Storage location. | Maximum of 2 GB per hour |
|---|---|

# Indexing limits for email messages

The following table describes the indexing limits that might result in an email message being returned as an unindexed item or a partially indexed item in the results of a content search.

| Indexing limit | Maximum value | Description |
|---|---|---|
| Maximum attachment size | 150 MB | The maximum size of an email attachment that will parse for indexing. Any attachment that's larger than this limit won't be parsed for indexing, and the message with the attachment will be marked as partially indexed.<br><br>**Note:** Parsing is the process where the indexing service extracts text from the attachment, removes unnecessary characters like punctuation and spaces, and then divides the text into words (in a process called tokenization), that are then stored in the index. |

| Indexing limit | Maximum value | Description |
|---|---|---|
| Maximum number of attachments | 250 | The maximum number of files attached to an email message that will be parsed for indexing. If a message has more than 250 attachments, the first 250 attachments are parsed and indexed, and the message is marked as partially indexed because it had additional attachments that weren't parsed. |
| Maximum attachment depth | 30 | The maximum number of nested attachments that are parsed. For example, if an email message has another message attached to it and the attached message has an attached Word document, the Word document and the attached message will be indexed. This behavior will continue for up to 30 nested attachments. |
| Maximum number of attached images | 0 | An image that's attached to an email message is skipped by the parser and isn't indexed. |
| Maximum time spent parsing an item | 30 seconds | A maximum of 30 seconds is spent parsing an item for indexing. If the parsing time exceeds 30 seconds, the item is marked as partially indexed. |
| Maximum parser output | 2 million characters | The maximum amount of text output from the parser that's indexed. For example, if the parser extracted 8 million characters from a document, only the first 2 million characters are indexed. |
| Maximum annotation tokens | 2 million | When an email message is indexed, each word is annotated with different processing instructions that specify how that word should be indexed. Each set of processing instructions is called an annotation token. To maintain the quality of service in Office 365, there is a limit of 2 million annotation tokens for an email message. |
| Maximum body size in index | 67 million characters | The total number of characters in the body of an email message and all its attachments. When an email message is indexed, all text in the body of the message and in all attachments is concatenated into a single string. The maximum size of this string that is indexed is 67 million characters. |

| Indexing limit | Maximum value | Description |
| --- | --- | --- |
| Maximum unique tokens in body | 1 million | As previously explained, tokens are the result of extracting text from content, removing punctuation and spaces, and then dividing it into words (called tokens) that are stored in the index. For example, the phrase `"cat, mouse, bird, dog, dog"` contains 5 tokens. But only 4 of these are unique tokens. There is a limit of 1 million unique tokens per email message, which helps prevent the index from getting too large with random tokens. |

# More information

There are additional limits related to different aspects of searching for content, such as content indexing. For more information about these limits, see the following topics:

- Partially indexed items in Content Search

- Investigating partially indexed items in eDiscovery

- Search limits for SharePoint Online

For information about content searches, see:

- Content search in Microsoft 365

- Search for content in a Core eDiscovery case

- Keyword queries and search conditions for content search

For case limits related to Core eDiscovery and Advanced eDiscovery, see:

- Limits in Core eDiscovery

- Limits in Advanced eDiscovery

# Is this page helpful?

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